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SENATE BILL 281

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO BUSINESS SECURITY; PROVIDING FOR LATE-NIGHT  
CONVENIENCE BUSINESS SECURITY; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. LATE-NIGHT CONVENIENCE BUSINESS SECURITY--  
STANDARDS-- PENALTY. --

A. The purpose of this section is to:

(1) prevent violent crimes and protect  
employees and the consuming public at late-night convenience  
businesses; and

(2) establish security standards for late-  
night convenience businesses that are uniform statewide.

B. As used in this section, "late-night convenience  
business" means a place of business that is primarily engaged  
in the retail sale of groceries, or both groceries and

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1 gasoline, and that is open for business at any time between the  
2 hours of 11:00 p. m. and 5:00 a. m. The term "late-night  
3 convenience business" does not include a business:

- 4 (1) that is solely or primarily a restaurant;  
5 (2) that always has at least five employees on  
6 the premises after 11:00 p. m. and before 5:00 a. m. ;  
7 (3) that has at least ten thousand square feet  
8 of retail floor space; or  
9 (4) in which the owner or members of the  
10 owner's family work between the hours of 11:00 p. m. and 5:00  
11 a. m.

12 C. Every late-night convenience business shall be  
13 equipped with the following security devices and standards:

- 14 (1) a security camera system capable of  
15 recording and retrieving an image to assist in offender  
16 identification and apprehension;  
17 (2) a drop safe or cash management device for  
18 restricted access to cash receipts;  
19 (3) window arrangements that allow a clear and  
20 unobstructed view from outside the building. A late-night  
21 convenience business shall not have window tinting that reduces  
22 the exterior or interior view in a normal line of sight; and  
23 (4) height markers at the entrance that  
24 display height measures.

25 D. Nothing in this section prohibits the governing

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1 body of a county or municipal government from enacting security  
2 requirements that are more stringent than those contained in  
3 this section.

4 E. A violation of any provision of this section is  
5 a misdemeanor and shall be punished pursuant to the provisions  
6 of Section 31-19-1 NMSA 1978.

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